MINUTES
March 10, 2020

7:01 p.m.
Sand Hill School Community Center
16 Dewey Avenue, Sandwich, MA

Present: Matthew Cubetus, Vice Chair; Jeffrey Picard; Sarah Regan; Jennifer Reisig; David Darling; and James Kalweit
Absent: Robert King, Chair
Also Present: Ralph Vitacco, Director, Planning & Development; Leanne Drake, Assistant Town Planner; Sam Jensen, Assistant Town Engineer; and Maureen McCabe, Sr. Administrative Assistant

Mr. Cubetus opens the meeting with the reading of the Opening Statement.

Approval of Minutes

Ms. Reisig motions to accept the minutes from the meeting held February 18, 2020, as written. Mr. Darling seconds. The vote is unanimous.

Submission of New Plans

There are no new plans submitted.

Old Business

There is no old business to discuss.

New Business

- 1 Water Street – Approval Not Required – Hegarty Family Trust

Mr. Cubetus explains there have been two previous ANRs in the past: one in 2010 and one in 2013. Mr. Picard asks to review these files. Mr. Cubetus reads the following correspondence into the record:

  Memo to Robert King, Chair from Samuel J.P. Jensen, P.E., Assistant Town Engineer re: ANR Plan Review, 1 Water Street, dated March 10, 2020

Mr. Jensen says a couple of exceptions to the Rules & Regulations are things that are normally waived by the Board. In this case, this plan appears to be following a previous plan which was approved. Mr. Jensen asks the Board to
consider two issues: the zoning district is not listed correctly on the plan or the setback requirements for the zoning district aren’t listed on the plan. One of the lots appears as though it doesn’t meet the minimum lot area. Just because these items aren’t on the plan doesn’t mean that it doesn’t qualify for ANR. Mr. Vitacco provides a history of the lot. To qualify for an ANR three conditions must be met: 1) adequacy of way; 2) adequacy of frontage; and 3) adequacy of access. For all intents and purposes this is the same plan that was approved in 2010. Mr. Picard asks Mr. Vitacco to clarify this point. Either the plan is the same as it was in 2010 or does it mean something must be different. Mr. Vitacco says the dates are different but the plan is substantially the same; the lot lines are the same. There are no additional buildings since 2010. Ms. Regan asks what the purpose of the ANR is. Mr. Vitacco explains that in 2013 the Hegarty family decided to take the lot line out. Now the lot line is being put back in. Mr. Hegarty explains that a lot had to do with the timing of retirement. At the time it looked like the thing to do but then they decided to stay with what they had. By putting it back they eliminated a real estate tax bill which was substantial at the time. He goes on to say that the house and the tea shop are on one lot. A discussion ensues regarding where the lot line is now. Ms. Regan clarifies by saying the house has been separated from the tea shop and the rest of the property. Mr. Picard asks about the utilities. Mr. Hegarty says there are two septic systems. There is one utility line coming in that will be, once the plan is approved, changed to separate utilities. There are two separate driveway curb cuts into the lot. Mr. Vitacco describes what happens with the undersized lot. The person who purchases the lot might have to go before the Zoning Board of Appeals for permission to waive the lot size. It fits the minimum lot size by the state but not by the district. Mr. Picard asks if any substantial improvements have been made since 2010. Mr. Hegarty says there was an extension on the tea room but doesn’t recall the exact date. There are no further questions from the Board. Ms. Regan motions to endorse the ANR plan for 1 Water Street for the Hegarty Family Trust, as submitted. Ms. Reisig seconds. The vote is unanimous. Mr. Cubetus, who is an authorized representative to endorse on a plan the approval of the Board, signs the Mylar and four copies of the blueprints.

**Board Discussion**

- **Request for Comment: #20-03: 62 Hammond Road – Variance – Aprea**

Mr. Vitacco explains that this application has been withdrawn by the applicant so there is no need for discussion. Ms. Reisig inquires about the specifics of the application. Mr. Vitacco provides a brief explanation and a conversation ensues between Mr. Vitacco and Ms. Reisig. Mr. Picard would like to add to Mr. Vitacco’s comments because he doesn’t believe a complete answer was provided. Ms. Regan cautions that because the application has been withdrawn a discussion should not take place and requests that the Board remain on topic with its Agenda. An intense disagreement ensues. Mr. Picard elaborates on the reason for the applicant’s withdrawal.

**Deliberations**

There are no matters to deliberate.
Other Matters Not Reasonably Anticipated

- Mr. Vitacco reminds Board members their next meeting is Tuesday, March 17, which is the Public Hearing for the zoning changes.
- At the meeting on March 17, the Board will be reviewing the membership for the LCP Steering Committee.
- Special Town Meeting will take place Monday, March 23, 2020.
- The special election for state senator is March 31, 2020.
- Ms. Reisig says that cordiality amongst Board members would be appreciated. Ms. Regan agrees and goes on to say that she doesn’t believe the Board should ever discuss anything or expound on anything that should be taken off of the Board’s agenda.
- Mr. Picard asks about the Coronavirus and how it impacts the Planning Board. For example, will be meetings be held or not? Will they take place remotely? Mr. Vitacco says no direction has been provided. These meetings cannot take place remotely. Mr. Vitacco goes on to say that the state has not yet provided direction on constructive approval. Ms. Drake adds that the state is looking into special legislation regarding whether or not meetings can be held remotely going forward for the time being but no decision has been made yet.

Adjournment

Mr. Darling motions to adjourn. Mr. Kalweit seconds. The vote is unanimous. The meeting adjourns at 7:24 p.m.

Respectfully submitted,

Maureen McCabe

Supporting Documents:

1. Draft Minutes dated February 18, 2020 (3 pages)
2. 1 Water Street ANR Application (1 page)
3. Memo to Robert King, Chair from Samuel J.P. Jensen, P.E., Assistant Town Engineer re: ANR Plan Review, 1 Water Street, dated March 10, 2020 (1 page)
4. Plan of Land in Sandwich, Massachusetts, 1 Water Street for the Hegarty Family Trust, prepared by David C. Thulin, PE, PLS, dated March 6, 2020 (1 plan)